IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5357 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MADHUBEN S PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5357 of 1994

MR DP VORA for Petitioner No. 1-2

MR PR ABICHANDANI, AGP, for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

Date of decision: 18/08/2004

ORAL JUDGEMENT

This petition is jointly filed by three petitioners praying that a writ of mandamus or any other appropriate writ, direction or order be passed directing the respondent - Authority to grant the benefit of annual increment to them from the respective dates mentioned in Prayer Clause : 15(a) of the petition.

Learned AGP Shri Abichandani submitted that this petition is squarely covered against the petitioners by the Division Bench Judgment of this Court in the case of K.D.VOHRA & ORS. v/s. KAMLESHBHAI GOBARBHAI PATEL & ORS. reported in 2003 (1) GLH 312.

The petitioners were ad-hoc appointees, therefore, they would not be entitled for regular benefits as held by the Division Bench of this Court in K.D.Vohra's case (Supra). It was the submission of Shri Abichandani that they would not be entitled to continue in service. Be that as it may. We are not concerned with this as that question is not prayed in this petition.

In view of the Reply Affidavit and in view of the aforesaid Judgment of the Division Bench of this Court in K.D.Vohra's case (Supra), this petition is required to be dismissed. Accordingly, it is dismissed. Rule is discharged. No order as to costs.

Date : August 18, 2004 (B.J.Shethna, J.)

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